

To: The Honorable Mayor and City Council

From: Rebecca Jones, Personnel Administration Director



Date: July 9, 2013

**RE: PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY
EXEMPT EMPLOYEES FOR ALL HOURS WORKED; WHEN THEY ARE
REQUIRED TO WORK DURING A DISASTER OR DECLARED EMERGENCY**

RECOMMENDATION

The City Council adopt the attached resolution authorizing the City Manager to pay exempt employees for all hours worked; when they are required to work during a disaster or declared emergency.

BACKGROUND

The City requires full time exempt employees to work during a disaster or declared emergency. These exempt employees do not receive over- time pay nor are they paid for more than forty (40) hours in a work week in accordance to the Fair Labor Standards Act (FLSA).

The City Manager may authorize compensation for hours worked over 40 in a work week at straight time during a disaster or declared emergency with approval of the Mayor and Council.

Attachment

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
AUTHORIZING THE CITY MANAGER TO COMPENSATE
EXEMPT EMPLOYEES FOR OVERTIME WORK HOURS
PERFORMED DURING A DECLARED STATE OF
EMERGENCY; PROVIDING FOR AN EFFECTIVE DATE
AND FOR ALL OTHER PURPOSES.**

WHEREAS, under Article 12, section 2-319, the City Manager has the authority to declare a state of emergency during the threat of a natural or other disaster which impacts the City of North Miami or its residents; and

WHEREAS, following a declaration of an emergency or disaster, city employees may be required to work overtime or fulfill certain obligations above their regular duties until city services and facilities are properly restored; and

WHEREAS, 'exempt' employees are generally ineligible for compensation for overtime hours worked; and

WHEREAS, the adoption of this resolution will allow exempt employees to be compensated for overtime hours worked as determined by the City Manager during a declared state of emergency; and

WHEREAS, the Mayor and City Council believe it is in the best interest of the City and its residents to pass this resolution.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to compensate exempt employees for overtime hours worked in excess of a regularly scheduled work week during a declared state of emergency.

Section 2. **Discretionary Authority of City Manager.** That such compensation shall be approved at the discretion of the City Manager subject to budget availability.

Section 3. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of July 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol F. Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)